

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

S PARKERS PROPERTY LLC,

Plaintiff,

v.

WESTCHESTER SURPLUS LINES
INSURANCE COMPANY,

Defendant.

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Case No. 4:19-cv-3718

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Westchester Surplus Lines Insurance Company (“Westchester”) files this Notice of Removal, and would respectfully show the Court the following:

Introduction

1. On August 21, 2019 the Plaintiff, S Parkers Property LLC (“Plaintiff”), filed a lawsuit against Westchester in Cause No. 2019-58324; *S Parkers Property LLC v. Westchester Surplus Lines Insurance Company*; In the 152nd Judicial District Court of Harris County, Texas. A certified copy of the Original Petition is attached as Exhibit 1. Westchester was served with the Original Petition on August 29, 2019.

2. Westchester timely filed this Notice of Removal within the 30-day deadline required by 28 U.S.C. §1446(b).

Bases for Removal

3. Removal is proper based on diversity of citizenship. 28 U.S.C. 1332(a). In particular:

- a. Plaintiff is a citizen of Texas. It is a Texas single member LLC. Its sole member is Seong Y. Park, who is a citizen of Texas.
- b. Westchester is a Georgia corporation with its principal place of business in Philadelphia, Pennsylvania. Therefore, Westchester is a citizen of Georgia and Pennsylvania.

4. Plaintiff alleges in its Original Petition that it seeks monetary relief of more than \$1,000,000.00. Accordingly, the amount in controversy is in excess of the sum of \$75,000.00. All requirements are met for removal under 28 U.S.C. §§ 1332 and 1441(b).

5. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace Harris County, Texas, the place where the removed action has been pending.

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the Clerk of the 152nd Judicial District Court of Harris County, Texas and all parties.

7. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). Those filings consist of Exhibit 1 as described above, and the following additional filings, as required by Local Rule 81:

Exhibit 2: All executed process in the case;

Exhibit 3: All answers to pleadings;

Exhibit 4: The docket sheet;

Exhibit 5: An index of matters being filed;

Exhibit 6: List of all counsel of record and parties represented

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8. Pursuant to Federal Rule of Civil Procedure 38, Westchester demands a trial by jury.

Prayer

Defendant, Westchester Surplus Lines Insurance Company, respectfully gives notice that this state court action has been removed and placed on this Court's docket for further proceedings.

Defendant further requests any additional relief to which it is justly entitled.

Respectfully submitted,

COZEN O'CONNOR

s/ Joseph A. Ziemianski

Joseph A. Ziemianski

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ATTORNEYS FOR DEFENDANT
WESTCHESTER SURPLUS LINES
INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing instrument was served via the Court's electronic filing system on September 27, 2019 to:

Mr. Shane McClelland
Law Offices of Shane McClelland
440 Cobia Drive, Suite 101
Katy, Texas 77494
Counsel for Plaintiff, S Parkers Property LLC

s/ Joseph A. Ziemianski
Joseph A. Ziemianski